

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re: §
PS AMERICA, INC., § Chapter 11
Debtor. § Case No. 09-37209
§

**REQUEST FOR EMERGENCY CONSIDERATION OF
DEBTOR'S MOTION FOR ENTRY OF BRIDGE AND FINAL ORDERS PURSUANT
TO SECTIONS 105(a) AND 366 OF THE BANKRUPTCY CODE (I) PROHIBITING
UTILITY COMPANIES FROM ALTERING, REFUSING OR DISCONTINUING
SERVICE, (II) DEEMING UTILITY COMPANIES ADEQUATELY ASSURED OF
FUTURE PERFORMANCE, AND (III) ESTABLISHING PROCEDURES FOR
DETERMINING ADEQUATE ASSURANCE OF PAYMENT**

On September 30, 2009, PS America, Inc. (the “Debtor”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code. Accordingly, Debtor requests emergency consideration of the *Debtor's Motion for Entry of Bridge and Final Orders Pursuant to Sections 105(a) and 366 of the Bankruptcy Code (I) Prohibiting Utility Companies from Altering, Refusing or Discontinuing Service, (II) Deeming Utility Companies Adequately Assured of Future Performance, and (III) Establishing Procedures for Determining Adequate Assurance of Payment* (the “Utilities Motion”).

RELIEF REQUESTED

Emergency consideration of the Utilities Motion is necessary so that the Debtor may continue to operate in the ordinary course of business during the pendency of this case. Uninterrupted utility services are essential to the Debtor's ongoing operations and, therefore, to the success of its reorganization efforts.

The Debtor respectfully requests that this Court set an interim hearing on the Utilities Motion on October 7, 2009 at 2:00 p.m. in the Courtroom the Honorable Marvin Isgur, Courtroom 404, United States Bankruptcy Court, Southern District of Texas, United States Courthouse, 515 Rusk Street, Houston, TX 77002.

NOTICE

Notice of this Motion has been given to the following parties or, in lieu thereof, to its counsel, if known: (i) the Office of the United States Trustee; (ii) counsel to the Debtor's prepetition and postpetition secured lenders; (iii) creditors holding the twenty (20) largest unsecured claims as set forth in the consolidated list filed with the Debtor's petition; and (iv) the Office of the United States Attorney General for the Southern District of Texas; and (v) the Internal Revenue Service; and (vi) the Utility Companies by facsimile transmission, if possible, otherwise by United States mail. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtor respectfully requests that this Court enter an order granting the relief requested herein and that it grant the Debtor such other and further relief as is just and proper.

Dated: October 5, 2009 Respectfully Submitted,

GREENBERG TRAURIG, LLP

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